

FORM TO BE USED BY A PRISONER FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

Legal Assistance By
Gregory Marshall, D.W.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JUN 28 2012

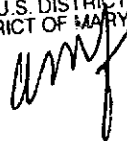
Montrell Powell ID# 363604

13800 McMullen Highway, SW

Cumberland, MD 21502

WESTERN CORRECTIONAL INSTITUTION (W.C.I.)

(Full name, prison identification
number and address of the plaintiff)

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY
BY 

v.

Civil Action No. JKB-121937
(Leave blank on initial filing to be filled in by Court.)

MR. RONALD S. WEBER, MENTAL HEALTH COUNSELOR - W.C.I.

LT. R. LIKIN, HOUSING UNIT MANAGER - W.C.I.

LT. MICHAEL MALLOY, INTELLIGENCE - W.C.I.

WARDEN, FRANK BISHOP - W.C.I.
(Full name and address of the defendant(s))

SERVE ALL AT:
W.C.I. 13800 MC MULLEN HWY, S.W.
CUMBERLAND, MD. 21502.

COMPLAINT

I. Previous lawsuits

- A. Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES ☐

NO ☒

- B. If you answered YES, describe that case(s) in the spaces below.

1. Parties to the other case(s):

Plaintiff: N/A

Defendant(s): N/A

NOTE:

IN 1889-1945, ADOLF HITLER HAD A SYSTEM OF FLAGGING THE JEWISH PEOPLE WITH THE WORDS "CÄPIAS" WHICH STOOD FOR ENEMY OF THE STATE, WHICH RESULTED IN THE MASS-

2. Court (if a federal court name the district; if a state court name the city or county): N/A
3. Case No.: N/A
4. Date filed: N/A
5. Name of judge that handled the case: N/A
6. Disposition (won, dismissed, still pending, on appeal): N/A
N/A
7. Date of disposition: N/A

II. Administrative proceedings

- A. If you are a prisoner, did you file a grievance as required by the prison's administrative remedy procedures?

YES ☒ NO ☐

1. If you answered YES:

- a. What was the result? I filed my ARP Appeal Complaint
But the Commissioner has Refused to Respond
- b. Did you appeal?

YES ☒ NO ☐

2. If you answered NO to either of the questions above, explain why:

N/A
N/A

- TORTURING AND MURDER OF 6 million INNOCENT JEWISH people.
LIKEWISE, W.C.I. HAS STARTED A SYSTEM OF FLAGGING INNOCENT
INMATES AS gang MEMBERS - PLACED ON THE OUTSIDE OF -

III. Statement of claim

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

SEE ATTACHED STATEMENT OF CLAIM

IV. Relief

(State briefly what you want the Court to do for you.)

SEE ATTACHED RELIEF

DATE

SIGNED THIS 22 day of JUNE, 2012

MONTRELL POWELL

Montrell Powell 363604
(original signature of plaintiff)

WCI 13800 MC Mullen Hwy SW

CUMBERLAND, MD 21562

(address of plaintiff)

- EACH CELL door. IN THE FORM OF A LARGE "4X6" Mug Shot Picture - WITH A GANG NAME LISTED UNDER THE PICTURE - WHICH STANDS FOR ENEMY OF THE INSTITUTION, WHICH HAS RESULTED IN OFFICERS ACTING DEADLY-HOSTILE TOWARDS INMATES.

STATEMENT of CLAIM(S)

I'VE NEVER BEEN UNDER NO TYPE OF INVESTIGATION FOR gang Activity, AND the defendants CAN NOT produce ANY RECORDS demonstrating that, they had CONDUCTED A INVESTIGATION IN ACCORDANCE WITH DCD-# 110-35, INTELLIGENCE, that, had CONCLUDED that, IM AN "INITIATED" BLACK-GORILLA FAMILY (B.G.F) gang MEMBER.

ON MAY 25, 2012, LT. R. LIKIN, AND SEVERAL OTHER OFFICERS HAD STORMED ON TO MY housing UNIT, AT WHICH TIME THOSE OFFICERS BEGIN PLACING LARGE "4X6" COLOR PICTURES UP ON ALL THE INMATES CELL DOOR(S). WHEN LT. LIKIN, HAD GOTTEN TO MY CELL DOOR, I SEEN THAT, THE PICTURE HE HELD IN HIS HAND OF ME, READ THAT, IM FLAGED AS A B.G.F gang MEMBER, I WAS VERY SHOCKED AND FEARFUL TO LEARN OF SUCH UNTRUEFUL SLANDER AGAINST MY good CHARACTER. I ASKED LT. LIKIN, WHY WAS I FLAGED AS A gang MEMBER, BECAUSE PLACING THAT PICTURE UP ON MY door SAYING THAT, IS NOT TRUE AND, PLACES MY LIFE IN DANGER.,,

LT. LIKIN, STATED TO ME, "MYSELF, MR. WEBER, LT. MALLOY, AND THE WARDEN, HAD A MEETING ABOUT YOU ALL AND INTELLIGENCE

3
Reports that you have been seen by staff walking and talking to known gang members, so we have concluded to -

NOTE: Equal Protection, to establish equal protection violation, plaintiff must show discriminatory intent as well as disparate impact. See, *Irby v. Virginia State Board of Elections*, 889 F.2d 1352 (4th Cir. 1989), cert. denied, 58 U.S.L.W. 3769 (U.S. 1990).
Condoning of unconstitutional conduct
Prison officials shall be held liable where unconstitutional practices are part of developed custom or usage and there is (1) actual or constructive knowledge of custom by policy makers and (2) failure as matter of specific intent or deliberate indifference to correct practice. See, *Spell v. McDaniel* 824 F.2d 1380 (4th Cir. 1987)., State action is present when conduct cause deprivation of federal right may be fairly attributed to the state and, its official. under the color of state,

HAVE FLAGED YOU AS A GANG MEMBER AS WELL, I THEN ASKED LT. LIKIN TO SHOW ME THE EVIDENCE THAT I AM A GANG MEMBER, AND LT. LIKIN IGNORED MY REQUEST,

THERE HAS BEEN ONGOING GANG WARS TAKEN PLACE AT W.C.I. AND I HAVE NOTHING TO DO WITH OTHER PEOPLES BUSINESS, IM NOT IN ANY GANG, SO I HAVE NOTHING TO DO WITH THEIR BUSINESS. BUT, BY THE OFFICERS PUTTING THIS PICTURE UP ON MY DOOR, LISTING ME AS A GANG MEMBER DOES PLACE MY LIFE IN DANGER. BECAUSE THE REAL GANG MEMBERS WILL SEE IT, AND ASSAULT ME THINKING IM A GANG MEMBER, AS WELL.

I'VE BEEN VERY DEPRESSED OVER THIS THREAT ON MY LIFE. IM HAVING PANIC ATTACKS, TROUBLE EATING AND SLEEPING, AND HAVING THOUGHTS AND DREAMS ABOUT BEING KILLED,

ON MAY 26, 2012, I WAS TAKEN UP TO THE OFFICE OF MR. WEBER, MENTAL HEALTH COUNSELOR AT WHICH TIME I TOLD HIM THAT, I'M NOT A MEMBER OF ANY GANG GROUP. AND THAT I'VE BEEN FEELING VERY DEPRESSED OVER BEING FLAGGED AS A GANG MEMBER AND,

the threat that It pose on My life, MR. WEBER, did not offer no therapeutic treatment(s) to Address My depression, But. Instead, he checked the Computer to Confirm that, I was flaged AS A B.G.F. gang MEMBER, than stated, "WE HAVE YOU FLAGED, thats not going to change, So you MAY AS WELL LEARN to live with It,"

I than ASKED MR. WEBER, to Show ME the EVIDENCE that. Im A gang MEMBER, AND MR. WEBER, Responded, "you Show us the EVIDENCE that, your not IN A gang,"

ON MAY 26, 2012. I Filed My ARP. WCI, -
- Complaint, #1066-12. To the WARDEN Bishop, And ON JUNE 11, 2012, he dismissed My ARP Complaint AS "Moot" Stating the REASONS AS, "you ARE Listed AS A MEMBER OF AN S.T.G. And UNTIL that CHANGES through the RENUNCIATION PROCESS you will REMAIN Listed AS A MEMBER,"

And I must REstate For the Record -

ON JUNE 12, 2012, AS DIRECTED BY WARDEN Bishop IN ARP WCI #1066-12, I MAILED OFF A FORMAL REQUEST, TO Lt. Malloy, REQUESTING OF HIM TO MEET WITH ME, TO DISCUSS OVER THE RENUNCIATION PROCESS. HOWEVER, Lt. Malloy, HAS CHOSEN NOT TO RESPOND.

ON JUNE 12, 2012, I HAD ALSO FILED MY FIRST FORMAL APPEAL, TO THE COMMISSIONER OF D.O.C., (ARP WCI #1066-12), BUT, THEIR HAS NOT BEEN NO RESPONSE FROM THE COMMISSIONER AT THIS TIME, HOWEVER, ON JUNE 21, 2012, I RESUBMITTED A COPY OF MY FIRST APPEAL, TO THE COMMISSIONER FOR RELIEF.

My life is in CLEAR AND PRESENT DANGER AT THIS TIME, AND IF I WAS FORCED TO WAIT TO FILE FURTHER PRISON GRIEVANCE(S) I WOULD SURELY FACE IRREPARABLE HARM". SEE, JACKSON V. District of Columbia, 254-F.3d.262 (D.C. CIR. 2001).

MALICIOUS SLANDER, defendants do not have NO SUBSTANTIAL-FACTUAL EVIDENCE that, IM A B.G.F gang MEMBER, other than there PRETENTIOUSNESS, AS PREVIOUSLY STATED, It follows that, defendants must CLEARLY show from the RECORDS facts to establish their FALSE ALLEGATIONS, SEE, CIRINCIONE V. STATE, - 119 Md. App. 471, CERT. DENIED, 350 Md. 275 (1998), IF defendants fails to prove the REQUIRED facts, the Allegation must be CEASE AND DESISTED for the REASON that It is A bald ASSERTION, DUFF V. WARDEN, 234 Md. 646, 648- (1964), listing MR. MONTRELL has A gang MEMBER must be STOPPED.

CRUEL AND UNUSUAL PUNISHMENT: To STATE A CLAIM FOR CRUEL AND UNUSUAL punishment AGAINST defendants, plaintiff must CLAIM CONDUCT characterized by "obduracy AND WANTONNESS" SEE, WHITLEY V. ALBERTS, 475 U.S. 312, 319 (1986), Such CONDUCT would INCLUDE "PAIN without ANY PENOLOGICAL PURPOSE" SEE, ESTELLE V. GAMBLE, 429- U.S. 97, 103 (1976), OR CONDITIONS that RESULT IN AN "UNQUESTIONED AND SERIOUS DEPRIVATION OF BASIC HUMAN NEEDS" SEE, RHODES V. CHAPMAN 452 U.S. 337, 346 (1981). The EIGHTH AMENDMENT PROTECTS AGAINST CONDITIONS that POSE

AN UNREASONABLE [R]isk of Future Injury. As well as those that are currently causing harm. See, *Helling v. McKinney*, 508 U.S. 25, 31-32 (1993). MR. MONTRELL contends that, he is at risk of injury, because listing him as a gang member, which he is not, opens the door for real gang members to assault and/or kill him. See, *Woodhouse v. Virginia*, 487 F.2d 889 (4th Cir. 1993). "Inmate need not wait until actually assaulted before obtaining protection, when right to be free from violence is a Eighth Amendment Constitutional Right."

Right to Equal Treatment: Fundamental Rights; Suspect profiling of prisoners, where classification infringes some fundamental Constitutional Right or, is based on suspect criterion, court will scrutinize basis for classification more closely. See, *McGinnis v. Royster*, 410 U.S. 263 (1999); *Kersh v. Bounds*, 501 F.2d 585, 588 (4th Cir. 2005).

MR. MONTRELL contends that, the defendants [Reckless] behavior of placing-up large 4x6" color pictures on the cell doors of inmates, listing them as gang members or,

ASSAULTIVE AND VARIOUS OTHER DEMEANING profiles, IS NOTHING MORE THAN UNLAWFUL profiling of INMATES, BASED ON ANY STAFFS SURREALISM, AND THIS COURT SHOULD ORDER the pictures REMOVED,, AND the UNLAWFUL profiling AND FLAGGING to STOP,

PSYCHIATRIC AND PSYCHOLOGICAL TREATMENT: MENTAL HEALTH CARE IS NO LESS IMPORTANT THAN PHYSICIAN CARE. DELIBERATE INDIFFERENCE TO SERIOUS MENTAL HEALTH CARE CONSTITUTES UNNECESSARY AND WANTON INFLECTION OF PAIN PROSCRIBED BY EIGHTH AMENDMENT, DELIBERATE - INDIFFERENCE MAY BE DEMONSTRATED BY EITHER ACTUAL INTENT OR RECKLESS DISREGARD, SEE, *MILTIER V. BEORN*, 896 F.2d 848 (4th CIR. 1990). DEFENDANTS ACTS RECKLESSLY BY DISREGARD - ING SUBSTANTIAL RISK OF DANGER THAT IS EITHER KNOWN TO HIM OR, WHICH WOULD BE APPARENT TO REASONABLE PERSON IN HIS POS - ITION, *Id.* SEE ALSO, *MITCHELL V. ALUISI*, 872 F.2d. 577 (4th CIR. 1989) ALSO SEE, "DELIBERATE INDIFFERENCE" IS A SUBJECTIVE, ACTUAL-KNOW - ledge STANDARD, *FARMER V. BRENNAN*, 511 U.S. 825, 837 (1994).

IN THIS INSTANT CASE, ON MAY 26, 2012

MR. MONTRELL MET WITH MR. RONALD S. WEBER MENTAL HEALTH COUNSELOR, AND HAD INFORMED him that he felt very depressed. HOWEVER, MR. WEBER INTENTIONALLY FAILED TO RENDER MR. MONTRELL ANY THERAPEUTIC MENTAL HEALTH CARE, AND INFACT, did not allow him to be EVALUATED by A psychologist IN ACCORDANCE WITH, DPSCSD-124-200 II PROPOSE TO, ESTABLISH GUIDELINES FOR PERFORMING CLINICAL EVALUATIONS (D) "THE APPROPRIATE SCOPE OF THE INTERVENTION OR ASSESSMENT SHALL BE DETERMINED BY A "[L]ICENSED" PSYCHOLOGIST AND OR PSYCHOLOGIST ASSOCIATE (H). "ANY DEVIATION" FROM THIS STANDARD. [MUST] BE APPROVED BY THE DIRECTOR OF MENTAL HEALTH."

MR. WEBER IS A MENTAL HEALTH COUNSELOR, HE IS NOT A PSYCHOLOGIST, AND THE BOARD OF PHYSICIANS, MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE, HAD FOUND MR. WEBER, GUILTY OF ABUSING MENTAL HEALTH PRISONERS, AND HAS STRIPPED HIM OF HIS PSYCHOLOGIST ASSOCIATE LICENSE IN 2009. SEE EXHIBIT 415

GIVEN THESE FACTS MR. MONTRELL HAS NOT BEEN LEGALLY EVALUATED BY A LICENSED PSYCHOLOGIST

OR, Psychologist Associate, AND THEREFORE,
HAS BEEN DENIED MENTAL HEALTH CARE TO
ADDRESS his ongoing Crippling depression,

DATE: 6/22/2012 Sign: ~~Montrell Powell~~

MONTRELL POWELL. 363664

WCI 13800 MC Mullen Hwy SW

CUMBERLAND MD. 21502

AFFIDAVIT

I HEREBY CERTIFY THAT ALL MY STATEMENTS ARE
TRUE UNDER THE PENALTY OF PERJURY, I HAVE NEVER
JOINED ANY GANG, AND NEVER INTEND ON JOINING ANY
GANG(S). IVE BEEN VERY DEPRESSED WITH THOUGHTS AND
DREAMS OF MY OWN DEATH. I FEAR FOR MY LIFE THAT
BEING FLAGED AS A BGF GANG MEMBER THAT REAL GANG
MEMBERS WILL KILL ME, THINKING ^{I AM} APART OF SOME GANG
THEY MAY BE AT WAR WITH. MY LIFE IS IN GREAT
DANGER AT MY CURRENT PRISON - W.C.I.

Sign: ~~Montrell Powell~~

DATE: 6/22/2012

MONTRELL POWELL 363664

WCI 13800 MC Mullen Hwy SW

CUMBERLAND MD 21502

Relief;

MR. MONTRELL POWELL PRAYS that this Court will grant him A EMERGENCY TEMPORARY RESTRAINING ORDER RELIEF. AND ORDER DEFENDANTS to transfer him out of the W.C.I. Region to ANY other MARYLAND prison, pending Injunctive RELIEF transfer out of WCI Region, AND ORDER DEFENDANTS to REMOVE his NAME OFF of the S.T.G. Intelligence gang list. GRANT A jury TRIAL with Appointment of ATTORNEY AND AWARD plaintiff \$ 250,000. IN DAMAGES FOR PAIN. SUFFERING. ANGUISH AND DENIAL OF MENTAL HEALTH CARE. AND SLANDER OF his CHARACTER,

MONTRELL POWELL. 363604

DATE: 6/25/2012 Sign: Montrell Powell

WCI 13800 MC Mullen Hwy SW

Cumberland, MD 21502

MONTRELL POWELL

IN THE U.S.
DISTRICT COURT
FOR MARYLAND

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS
§1983 CIVIL RIGHTS COMPLAINT WAS MAILED
TO DEFENDANTS ATTORNEY MR. DOUGLES GANSLER
ATTORNEY GENERAL, 200 ST. PAUL PLACE, FLOOR 19
BALTIMORE, MARYLAND, 21202

DATE: 6/22/2012

MONTRELL POWELL 363604

SIGN: *Montrell Powell*

WCI 13800 MC MULLEN HWY SW

CUMBERLAND MD 21502

Officer's Name: Print and Signature

Date

CASE NO.

WCI 106612

CORRECTIONAL
INSTITUTION
WARDEN'S OFFICE

MARYLAND DIVISION OF CORRECTION
REQUEST FOR ADMINISTRATIVE REMEDY
 (Instructions for completing this form are on the back)

2012 MAY 31 P 1:32

TO: ☐ Warden of Institution**RECEIVED**Emergency Request: ☒ Check only if your complaint poses a continued threat to your health, safety, or welfare.
 FROM: Powell Montrell 363604 W.C.I.
 Last Name First Name Middle Initial DOC Number Institution

 Housing Location 4-B-32 Protective Custody ☐ Administrative Segregation ☐ Disciplinary Segregation ☒
Part A - INMATE REQUEST

I was informed by Mr. Webb that I was placed under B.G.F. I also informed Mr. Webb that this is not true and I will like to see proof A.S.A.P and Mr. Webb told me to put in and A.R.P because he didn't have nothing to do with who ever placed me

5/26/2011
 Date

Montrell Powell
 Signature of Inmate
Part B - RESPONSE

Your request for administrative remedy is dismissed as "moot." You are listed as a member of an STG and until that changes through the renunciation process, you will remain listed as a member. In the mean time, contact the institutional Intelligence Lieutenant (Malloy) for direction and assistance with the process of being officially disassociated with a threat group as defined by divisional standards. No further action will be taken at this time.

6/11/12
 Date

Frank B. Broff
 Signature of Warden

You may appeal this response by following the procedure prescribed on the back of this form.

Part C - RECEIPT

Case No.

WCI 106612

 RETURN TO: Powell Montrell 363604 4B32
 Last Name First Name Middle Initial DOC Number Institution

 I acknowledge receipt of your complaint dated 5/26/12 in regard to: 2012 MAY 31 P 1:32
RECEIVED
6/7/12
 Date

803 as
 Institutional ARP Coordinator

 Original: White Institutional ARP Coordinator
 Copy: Canary - Inmate

JUNE 12, 2012

~~Part A (Continued)~~ - INMATE REQUEST


RE: REQUEST FOR A MEETING

DEAR, LT. MALLOY, INTELLIGENCE UNIT.

IN MY ARPWCI #106612 COMPLAINT, THE WARDEN STATES THAT, I MUST TALK TO YOU ABOUT SOME TYPE OF RENUNCIATION PROCESS IN ORDER TO GET OUT OF A GANG, YOU ALL HAVE ME BLACKBALLED WITH BEING IN THE B.G.F. GANG., I AM NOT A PART OF ANY GANG(S) NOT NOW, OR NEVER HAVE I EVER BEEN ANY MEMBER OF A GANG. AND YOU PEOPLE LISTING ME AS BEING IN A GANG~ I FIND THIS A SLANDER TO MY NAME AND CHARACTER, LISTING ME AS A GANG MEMBER PUTS MY LIFE IN DANGER. NOW WHEN THE GANGS ARE FIGHTING EACH OTHER AND LOOK UP AND SEE MY PICTURE ON MY DOOR SAYING IM A GANG MEMBER. THEY TRY TO KILL ME, THINKING IM WITH THE B.G.F WHICH IM NOT. BUT, ILL DO WHATEVER THIS RENUNCIATION PROCESS CALLS FOR IN ORDER TO CLEAR MY NAME

JUNE 12, 2012

Date

 Powell Montrell
 Inmate's Name: Print and Signature

363604 DOC#

Exhibit.2

CASE NO. WCI 1066-12

Appendix 6 to DCD 185-002

**MARYLAND DIVISION OF CORRECTION
HEADQUARTERS APPEAL OF
ADMINISTRATIVE REMEDY RESPONSE**
(Instructions for completing this form are on the back)

TO: ☒ Commissioner of Correction... Appeal of (check one): ☐ Dismissal for Procedural Reasons
☐ Warden's Response
☐ No Response from Warden
☐ Executive Director: Inmate Grievance Office

FROM: 1 Powell Montrell 363604 WCI

Last Name First Name Middle Initial DOC Number Institution
Housing Location ☐ Protective Custody ☐ Administrative Segregation ☐ Disciplinary Segregation ☒

Part A - REASON FOR APPEAL

IN MY ARP WCI#1066-12 COMPLAINT, THE WARDEN DISMISSED MY ARP SAYING THAT I SHOULD CONTACT LT. MALLOY, INTELLIGENCE FOR RENUNCIATION PROCESS FROM BEING IN THE GANG CALLED BGF. THE PROBLEM I HAVE WITH THIS NOTION IS THAT I SHOULD NOT HAVE TO GO THROUGH SUCH AN PROCESS, BECAUSE I'M NOT A PART OF ANY GANG IN WHICH I NEED TO RENUNCIATE MYSELF FROM, I WANT THE WARDEN TO SHOW ME THE SUBSTANTIAL AND FACTUAL EVIDENCE THAT I'M A PART OF ANY GANG AND HE HAS FAILED TO DO SO. I WANT MY NAMED REMOVED OFF OF THE STG GANG LIST. I'M NOT A PART OF ANY GANG.

Date JUNE 12, 2012 Signature of Inmate Montrell Powell

Part B - RESPONSE

Date _____ Signature of Commissioner _____

You may appeal this response by following the procedure prescribed on the back of this form.

Part C - RECEIPT

Case No. _____

RETURN TO: _____
Last Name First Name Middle Initial DOC Number Institution

I acknowledge receipt of your complaint dated _____ in regard to: _____

Date _____ Headquarters Coordinator _____

Slate, William P.

From: Weber, Ronald S.
Sent: Wednesday, October 01, 2008 2:00 PM
To: Slate, William P.
Cc: Reed, Margaret E
Subject: Gregory Marshall 183459

CONFIDENTIAL STATEMENT REMOVED,

R. Shane Weber, MS, LCPC, NCC,
Psychology Associate II
Western Correctional Institution
13800 McMullen Hwy
Cumberland, Maryland 21502
301.729.7000 (Main)
301.729.7230 (Office)
301.729.7171 (Secretary)

Exhibit 4

10/2/2008

GREGORY MARSHALL, #183459

Plaintiff

v.

CARRIE ECKHOUSER,
Psychiatric Associate
RONALD S. WEBER,
Mental Health Counselor

Defendants

IN THE

DISTRICT COURT OF

MARYLAND FOR

BALTIMORE CITY


Case No. [REDACTED]

NOTICE OF INTENTION TO DEFEND

The Defendant, Ronald S. Weber¹, by his attorneys, Douglas F. Gansler, Attorney General of Maryland, and Laura Mullally, Assistant Attorney General, note their intention to defend and will be present at the trial to demand proof of the Plaintiff's claim.

Respectfully submitted,

DOUGLAS F. GANSLER
ATTORNEY GENERAL OF MARYLAND


LAURA MULLALLY
Assistant Attorney General
Division of Correction

¹ Defendant, Carrie Eckhouser, Psychiatric Associate is not employed by the State of Maryland, and thus, counsel for Defendant Ronald Weber is only entering her appearance on behalf of Defendant Ronald Weber.

Exhibit 5